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**IN THE UNITED STATES DISTRICT COURT  
THE DISTRICT OF UTAH, CENTRAL DIVISION**

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SUB ZERO FRANCHISING, INC., a  
Utah corporation,

Plaintiff/Counterclaim  
Defendant

v.

FRANK NYE CONSULTING, LLC, d/b/a  
THE ARCTIC SCOOP, a Kentucky limited  
liability company,  
FRANK NYE, an individual, and  
ALISON NYE, an individual,

Defendants/Counterclaimants

**(PROPOSED) ORDER  
DEFENDANTS' MOTION TO DISMISS  
FOR LACK OF SUBJECT MATTER  
JURISDICTION**

Case No. 2:15-cv-00821-BSJ

Honorable District Judge Bruce S. Jenkins

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This matter having come before the Court on Defendants' Motion to Dismiss For Lack of Subject Matter Jurisdiction, and the Court being otherwise sufficiently advised;

IT IS HEREBY ORDERED that Defendants' Motion is GRANTED pursuant to Fed. R. Civ. P. 12(b)(1), and that the Fourth and Fifth Claims asserted by Plaintiff Sub Zero Franchising, Inc. ("Sub Zero") against Defendants (*see* DN 17), for infringement of U.S. Patent Nos. 8,679,566 and 7,455,868, are hereby DISMISSED, WITH PREJUDICE.

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U.S. District Court Judge Bruce S. Jenkins